UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,288	12/12/2006	Joakim Bergstrom	P18610-US1	6880

27045   7590   03/17/2009
ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
JIANG, CHARLES C

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/595,288	BERGSTROM ET AL.
Office Action Summary	Examiner	Art Unit
	CHARLES C. JIANG	2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 April 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>8-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>8-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04/05/2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>04/05/2006, 06/09/2006</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

3.   Claims 8, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chuah, US 2004/0032877 in view of Willekes, US 2002/0075824.

4.   As per claim 8, Chuah ('877) teaches a method for avoiding collisions on a

random access channel of a telecommunication system (Chuah, US 2004/0032877,

Paragraph 8) providing Multimedia Broadcast / Multicast Services (MBMS) (Chuah

('877), Paragraph 8) to a plurality of subscribing user equipments (Chuah ('877), Fig. 1,

Elements UE, Paragraph 8) , said method comprising the steps of: determining a delay

time period (Chuah ('877), Paragraph 8, Maximum back off value and Minimum back off

value together represent a delay time period) for each subscribing user equipment

(Chuah ('877), Paragraph 8 and 17) after the lapse of which (Chuah ('877), Fig. 3,

Elements Tbo1) said user equipment (Previously Discussed) starts transmission of

feedback information (Chuah ('877), Fig. 3, Elements 12) on the random access

channel (Previously Discussed) for ... forwarding said respective delay time periods to

the user equipments (Chuah ('877), Paragraph 3, Lines 3-11); and, transmitting one or

more MBMS data portions on a downlink channel to the group of subscribing user

equipments (Chuah ('877), Paragraph 1).

5.   Chuah ('877) does not teach ... acknowledgement of successfully received

MBMS data portions; ... However, Willekes, teaches ... acknowledgement of

successfully (Willekes, Fig. 4, Element 408, Success, Paragraph 84) received MBMS

data portions (Willekes, Fig. 4, Element 406, Paragraph 84); ...

6.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement the teaching of Willekes into Chuah ('877). Since

Chuah ('877) suggests transmitting MBMS data payloads to user equipment, and

Willekes also suggests MBMS transmission, in particular, receiving MBMS data

payloads and respond with an acknowledgement in the analogous art of MBMS

communication.

7.   As per claim 13, Chuah ('877) and Willekes teach the method according to claim

8 (Previously Discussed), wherein said delay time period (Previously Discussed) is

calculated from a unique identifier of the user equipment (Chuah ('877), Paragraph 8,

back off value depends on ASC).

8.   As per claim 14, Chuah ('877) and Willekes teach the method according to claim

8 (Previously Discussed), wherein said delay time period (Previously Discussed)

constitutes a randomly determined value within a given time period (Chuah ('877),

Paragraph 22, line 2).

9.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah,

US 2004/0032877 in view of Willekes, US 2002/0075824 as applied to claim 8 above,

further in view of Chuah, USPN 6,674,765.

10.   As per claim 9, Chuah ('877) and Willekes teach the method according to claim 8

(Previously Discussed), further comprising the steps of: selecting a specific sub-channel

(Chuah ('877), Paragraph 3, Lines 14-16) random access channel (Previously

Discussed) … on said sub-channel (Previously Discussed) for the subscribing user

equipments (Previously Discussed); and, forwarding (Chuah ('877), Paragraph 3-4) said

respective sub-channel and signature (Previously Discussed) to the subscribing user

equipments (Previously Discussed).

11.   Chuah ('877) and Willekes do not teach teaches … and a preamble signature …

However, Chuah ('765) teaches … and a preamble signature (Chuah, USPN 6,674,765,

Fig. 8, Element 804) …

12.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement the teaching of Chuah ('765) into Chuah ('877)

and Willekes. Since Chuah ('877) and Willekes suggest transmitting RACH parameters,

including sub-channel, to user equipments, and Chuah ('765) also suggests

transmission on RACH, in particular, selecting a preamble or signature, in the

analogous art of RACH transmission.

13.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah,

US 2004/0032877 in view of Willekes, US 2002/0075824 as applied to claim 8 above,

further in view of Osawa, USPN 5,621,732.

14.   As per claim 12, Chuah ('877) and Willekes teach the method according to claim

8 (Previously Discussed), wherein said delay time period (Chuah ('877), Paragraph 8,

Maximum back off value and Minimum back off value together represent a delay time

period) … the successful reception of said one or more MBMS-data portions (Willekes,

Paragraph 84).

15.   Chuah ('877) and Willekes do not teach teaches … starts counting at a user

equipment from … However, Osawa teaches … starts counting at a user equipment

from (Osawa, USPN 5,621,732, Fig. 3, Elements 121 and 122, Col 4, Lines 47-54) …

16.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement the teaching of Osawa into Chuah ('877) and

Willekes. Since Chuah ('877) and Willekes suggest having a random and user

independent delay for avoiding collision on RACH transmission, and Osawa also

suggests delaying the control signaling after receiving data to avoid collision (Osawa,

Col 4, Lines 41-44) in the analogous art of radio transmission systems.

17.   Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chuah, USPN 6,674,765 in view of Willekes, US 2002/0075824.

18.   As per claim 10, Chuah ('765) teaches a method in a user equipment of a

telecommunication system (Chuah, USPN 6,674,765, Fig. 1, Element 2) … said method

comprising the steps of: determining a delay time period (Chuah ('765), Fig. 8, Element

820, Col 12, Lines 63-67, *see also*, Fig. 6, Element 618); transmitting (Chuah ('765),

Fig. 8, Element 808), after the lapse of said delay time period (Chuah ('765), Fig. 8,

Element 822 and 808) … on the random access channel (Chuah ('765), Col 6, Lines 57-

58) …

19.   Chuah ('765) does not teach … subscribing to a Multimedia Broadcast / Multicast

Service (MBMS), feedback information … for acknowledgement of successfully

received MBMS-data portions.

20.   However, Willekes teaches … subscribing to a Multimedia Broadcast / Multicast

Service (MBMS) (Willekes, US 2002/0075824, Fig. 4, Paragraphs 83-84), feedback

information (Willekes, Fig. 4, Element 408, Success, Paragraph 84)… for

acknowledgement of successfully (Willekes, Fig. 4, Element 408, Success, Paragraph

84) received MBMS-data portions (Willekes, Fig. 4, Element 406, Paragraph 84).

21.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to implement the teaching of Willekes into Chuah ('765). Since

Chuah ('765) suggests determining a delay to avoid collision on RACH, and Willekes

also suggests MBMS transmission in the analogous art radio transmission systems.

22.   As per claim 11, Chuah ('765) and Willekes teach the method according to claim

10 (Previously Discussed), further comprising the step of selecting a specific sub-

channel (Chuah ('765), Fig. 6, Element 604) of the random access channel (Previously

Discussed) and a preamble signature (Chuah ('765), Fig. 8, Element 804) on said sub-

channel (Previously Discussed) for transmission of said feedback information

(Previously Discussed).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHARLES C. JIANG whose telephone number is

(571)270-7191. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reached on 517-272-7872. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. J./
Examiner, Art Unit 2416

/William Trost/

Supervisory Patent Examiner, Art Unit 2416